

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

Filing Date: Herewith

Applicant: Thomas J. Wheeler et al.

Group Art Unit: 3724

Examiner: Hwei-Sui C. Payer

Title: RECIPROCATING SAW

Attorney Docket: 0275S-000468/COA

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. _____ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. X Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number
10/038,328

U.S. Filing Date
1/2/2002

C.____ Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D.____ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A.____ Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. X A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

- 1.____ See the attached foreign patent office communication from a counterpart foreign application:
2. X English translations are provided:
3. X Other:

German Utility Model No. 93 20 029, filed on January 30, 1993 and published on July 14, 1994, relates to a handheld electric power tool with locking means for the switch arrangement with a manually actuatable locking button for locking or releasing the switching means. The locking button has a locking slider means which extends perpendicular to the axis of actuation of the locking button and projects into the displacement path of the trigger element. The locking slider means can be laterally displaced from its rest position to an operational position against spring force wherein in one of these positions the locking slider means locks the trigger element and in the other position releases the trigger element.

German Utility Model No. 93 15 498 was published on May 5, 1994 and describes a jig saw-like saw with a rotatably driven cutting tool. On the rotatably driven reciprocating shaft, a fan may be provided and, in case of a U-shaped positioning device, another fan may be located in a mechanism below the workpiece.

German Patent No. 34 28 436 was filed on August 1, 1984 and first published on February 6, 1986. It relates to a reciprocating saw having a reciprocating shaft driven by a gear which is arranged with its axis perpendicular to the axis of a pinion provided on the armature shaft.

German Utility Model No. 295 13 616 was filed on August 24, 1995 and published on June 6, 1997. It relates to a handheld powered jigsaw having a shoe adjustably fixed by means of a clamping device which clamping device has a thread arrangement.

German Utility Model No. 93 18 615 was filed on December 6, 1993 and published on September 17, 1994. A jigsaw with a motor driven saw blade and a handle has the handle in an ergonomically useful orientation even if the saw blade is directed upwardly.

C. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. X The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
10/038,328	1/2/2002	3724

V. THIS IDS IS BEING FILED UNDER

A. X **37 C.F.R. § 1.97(b):** (check only one box)

1. X within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ____ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. **CERTIFICATION UNDER 37 C.F.R. § 1.97(e):** (check only one box)

The undersigned hereby certifies that:

A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. ____ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ____ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after

making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

___ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ___ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ___ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

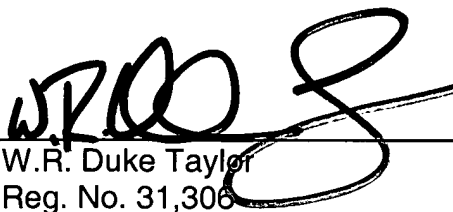
The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: Jan 20, 2004

By: 
W.R. Duke Taylor
Reg. No. 31,306

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
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WRDT/lkj

<p>FORM HDP-1449 (Based on Form PTO-1449)</p> <p>PATENT AND TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE CITATION</p> <p>(Use several sheets if necessary)</p> <p>Sheet 1 of 3</p>	ATTORNEY DOCKET NO.	SERIAL NO.
	0275S-000468/COA	Not yet assigned
	APPLICANT	
	Thomas J. Wheeler et al.	
	FILING DATE	GROUP
Herewith	3724	

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2003/0121387	7/2003	Wheeler et al.		
2.		2,902,067	9/1959	Oakley		
3.		3,170,496	2/1965	Kohler et al.		
4.		3,204,470	9/1965	Brucker		
5.		3,478,786	11/1969	Hendrickson		
6.		3,695,344	10/1972	Schnizler, Jr.		
7.		3,832,772	9/1974	Sumida		
8.		4,020,555	5/1977	Hedrick		
9.		4,083,112	4/1978	Palm		
10.		4,628,605	12/1986	Clowers		
11.		4,676,001	6/1987	Wagner		
12.		4,730,397	3/1988	Weiford et al.		
13.		5,012,583	5/1991	Blochle et al.		
14.		5,212,887	5/1993	Farmerie		
15.		5,267,498	12/1993	Miyamoto et al.		
16.		5,421,091	6/1995	Gerritsen, Jr.		
17.		5,566,768	10/1996	Bourke		
18.		5,575,071	11/1996	Phillips et al.		
19.		5,778,538	7/1998	Gentinetta et al.		
20.		6,272,757	8/2001	Roe		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)

PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
 (Use several sheets if necessary)

Sheet 2 of 3

ATTORNEY DOCKET NO.

0275S-000468/COA

SERIAL NO.

Not yet assigned

APPLICANT

Thomas J. Wheeler et al.

FILING DATE

Herewith

GROUP

3724

FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		DE 295 13 616	6/1997	Germany			
2.		De 34 28 436	5/1993	Germany			
3.		G 93 18 615	3/1994	Germany			
4.		DE 41 30 174	11/1993	Germany		Abstract	
5.		DE 100 36 171	2/2001	Germany		Abstract	
6.		G 93 20 029.3	7/1994	Germany			
7.		EP 0 582 326	2/1999	EPO		Abstract	
8.		EP 0 727 270	8/1996	EPO		Abstract	
9.		DE 34 46 278	8/1987	Germany		Abstract	
10.		DE 36 45 344	3/1998	Germany		Abstract	
11.		G 88 08 036.8	10/1988	Germany			
12.		EP 0 072 282	2/1983	EPO		Abstract	
13.		EP 0 561 473	1/1998	EPO		Abstract	
14.		EP 0 582 326	2/1999	EPO		Abstract	
15.		DE 195 36 277	3/1998	Germany		Abstract	
16.		DE 41 02 011	1/1996	Germany		Abstract	
17.		DE 100 36 171	2/2001	Germany		Abstract	
18.		G 93 15 498.4	5/1994	Germany			
19.		DE 37 17 585	6/1992	Germany		Abstract	
20.		DE 34 28 445	4/1996	Germany		Abstract	

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<p>FORM HDP-1449 (Based on Form PTO-1449)</p> <p>PATENT AND TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE CITATION</p> <p>(Use several sheets if necessary)</p> <p>Sheet 3 of 3</p>	ATTORNEY DOCKET NO.	SERIAL NO.
	0275S-000468/COA	Not yet assigned
	APPLICANT	
	Thomas J. Wheeler et al.	
	FILING DATE	GROUP
Herewith	3724	

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
21.		EP 0 669 181	4/1998	EPO		Abstract	
22.		EP 0 603 552	11/1993	EPO		Abstract	
23.		DE 198 21 185	11/1999	Germany		Abstract	
24.		DE 199 32 637	1/2000	Germany		Abstract	
25.		DE 100 34 681	1/2001	Germany		Abstract	
26.		CA 483135	5/1952	Canada		Abstract	

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.